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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,883	01/31/2001	Kenneth F. Carpenter JR.	UV-180	7944
1473	7590	08/11/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 08/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/773,883

Applicant(s)

CARPENTER ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-11, 14-17, 19, 29-42, 45-48, 50, 52, 58, 59, and 63-65 of this application.

Provisional application No. 60/179,552 is generally directed towards the display of brand logos in a channel guide such that the user may navigate between various logos. The application, however, fails to disclose any details regarding the particular arrangement of program guide items so as to "partition the display into multiple cells; associating the multiple cells with entities; [and] grouping the cells into groups on the cells' associated entities" as required by claims 1-11 and claims 30-42. With respect to claims 12-25, and 43-59, the provisional application fails to further disclose "displaying content other than the brand mark in a cell to which the user navigates". Furthermore, claims 29, 63-65 lacks support in that the provisional application does not particularly disclose the method for distributing and storing the "brand mark" nor does it particularly disclose the display of an "overlay [that] displays operator-specified promotional content". Accordingly, provisional application No. 60/179,552 only appears to provide support for claims 26-28 and 60-62. Provisional application No. 60/179,523 is generally directed towards the display of a mosaic channel guide such that the user may navigate between various logos. The application, however, fails to disclose any details regarding the particular arrangement of program guide items so as to "partition the display into multiple cells; associating the

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multiple cells with entities; [and] grouping the cells into groups based on the cells' associated entities" as required by claims 1-11 and claims 30-42. Claims 2, 3, 31, and 32 are not supported by the provisional application as there is no disclosure regarding the particular usage of a highlight that particularly surrounds at least one of the groups. Claims 9 and 38 are not supported by the provisional application as there is no disclosure of the display of "at least one entity not associated with any of the cells". Claims 10, 11, 16, 17, 39, 40, 47, and 48 are not supported, as there is no disclosure "allowing the associations between the entities and the cells to change". Claims 14 and 45 are not supported, as it is unclear as to how "the appearance of the highlight depends on the entity with which the cell the highlight surrounds is associated". Claims 15 and 46 are not supported as there is no suggestion for the "display [of] an indicator that indicates the existence of at least one entity not associated with any of the cells". Claims 19, 29, 50, and 63 are not supported as there is no disclosure relating to the display of an "overlay" comprising an "operator-specified promotional content". Claims 41, 42, 58, 59, 64, and 65 are not accorded the benefit of an earlier filing as there is no support for the particular means of "distribution" and "storage" of "brand mark information". Claim 52 is not provided the benefit of the earlier filing date because there is not support for the limitation wherein the "entity is a program guide provider". Accordingly, provisional application appears to provide support for claims 12, 13, 18, 20-28, 43, 44, 49, 51, 53-57, and 60-62.

In summary, claims 1-11, 14-17, 19, 29-42, 45-48, 50, 52, 58, 59, and 63-65 will be examined based on the application filing date of 31 January 2001 and claims 12, 13, 18, 20-

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28, 43, 44, 49, 51, 53-57, and 60-62 will receive the benefit of an earlier filing of 01 February 2000.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1102 (Figure 12B); 1104 (Figure 12C). Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference character "802" mentioned in the description (Page 25, Line 31). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bereiter et al. (US Pat No. 5,917,492).

In consideration of claims 1 and 30, the Bereiter et al. reference discloses a system and method for using an “application” that “allows a user to navigate among content displayed on a display” (Figure 5; Col 3, Line 65 – Col 4, Line 7). As illustrated in Figure 6D, the “display” is “partitioned . . . into multiple cells” which are “associated . . . with entities” and “grouped . . . into groups based on the cells’ associated entities”. The user is subsequently “allowed . . . to navigate between the groups on the display” (Col 7, Line 49 – Col 9, Line 48).

Claims 2 and 31 are rejected wherein as illustrated in Figure 6D, the system “displays a highlight on the display wherein the highlight surrounds one of the groups” [250].

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Subsequently, a user is “allowed . . . to move the highlight from the group that is surrounded by the highlight to one of the other groups” in conjunction with the ability to minimize the selected region and expand another region (Col 8, Lines 10-59).

Claims 3 and 32 are rejected as illustrated in Figure 6D wherein the embodiment illustrates “at least one group highlight wherein the group highlights surround at least one of the groups” [212/216] and a “navigation highlight wherein the navigation highlight is different from appearance from any of the group highlights, and wherein the navigation highlight surrounds one of the groups to indicate that the user has navigated to the group the navigation highlight surrounds” [250].

6. Claims 1 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (US Pat No. 6,177,931).

In consideration of claims 1 and 30, the Alexander et al. reference discloses a system and method for using an “interactive television application” that “allows a user to navigate among content displayed on a display”. As illustrated in Figure 1, the “display” is “partitioned . . . into multiple cells” which are “associated . . . with entities” such as panel advertisement and program information and “grouped . . . into groups based on the cells’ associated entities”. The user is subsequently “allowed . . . to navigate between the groups on the display” (Col 3, Lines 21-55).

7. Claims 1, 4-8, 10-13, 16-30, 33-37, 39-44, 47-51, and 53-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthews, III (US Pat No. 5,815,145).

In consideration of claims 1 and 30, the Matthews, III reference discloses a system and method for using an “interactive television application” or video program guide [100] that

“allows a user to navigate among content displayed on a display” (Figure 4). As illustrated in Figure 4, the “display” [98] is “partitioned . . . into multiple cells” which are “associated . . . with entities” and “grouped . . . into groups based on the cells’ associated entities”. A “group” is interpreted as those channels currently being displayed. For example, group 1 may comprise channels 7-12 and group 2 may comprise channels 1-6. The user is subsequently “allowed . . . to navigate between the groups on the display” (Col 4, Line 44 – Col 5, Line 5; Col 9, Line 58 – Col 10, Line 25; Col 10, Lines 34-46).

Claims 12 and 43 are rejected wherein as aforementioned, the Matthews, III reference discloses a system and method for using an “interactive television application” or video program guide [100] that “allows a user to navigate among content displayed on a display” (Figure 4). As illustrated in Figure 4, the “display” [98] is “partitioned . . . into multiple cells” which are “associated . . . with entities” wherein the system “displays at least one brand mark in the cells” [106] that is “related to the entity with which the particular cell is associated”. The user is “allowed . . . to navigate among the cells”, and subsequent to navigating to a particular cell, the system “displays content other than the brand mark” (Col 4, Line 44 – Col 5, Line 36; Col 7, Lines 4-6).

Claims 26 and 60 are rejected wherein as aforementioned, the Matthews, III reference discloses a system and method for using an “interactive television application” or video program guide [100] that “allows a user to navigate among content displayed on a display” (Figure 4). As illustrated in Figure 4, the “display” [98] is “partitioned . . . into multiple cells” which are “associated . . . with entities on a one-to-one basis” wherein the system “displays at least one brand mark in the cells” [106] that is “related to the entity with which



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the particular cell is associated”. The user is subsequently “allowed . . . to navigate among the cells” whereupon the system “performs an action” in conjunction with the “selection” of the cell “to which the user has navigated” (Col 4, Line 44 – Col 5, Line 36).

Claims 4, 5, 20, 33, 34, and 51 are rejected wherein as illustrated in Figure 4 the “grouping the cells comprises arranging the cells into clusters of cells” that are “arranged in a grid”.

Claims 6 and 35 are rejected wherein as illustrated in Figure 4, the interactive application [100] “displays at least one brand mark in the cells” [106] that is “related to the entity with which the particular cell is associated”. The user is subsequently “allowed . . . to navigate among the cells (Col 4, Line 44 – Col 5, Line 36; Col 7, Lines 4-6).

Claims 7 and 36 are rejected wherein as illustrated in Figure 4, the interactive application “displays a highlight on the display wherein the highlight surrounds one of the cells” [108]. The system subsequently, “allows the user to move the highlight to one of the other cells in the group with which the cell that is surrounded by the highlight is grouped” (Col 4, Line 62 – Col 5, Line 15).

Claims 8 and 37 is rejected wherein the system further “displays content in the particular cell other than the brand mark when the user navigates to the particular cell” such as live content (Col 5, Lines 23-35).

Claims 10, 11, 16, 17, 39, 40, 47, and 48 are rejected wherein the “associations between the entities and the cells” is “allowed to change” “based on the user’s action’s”. For example, when navigating between the groups of channels the displayed cells are changed to display the new entities or channels (Figure 6; Col 9, Line 62 – Col 10, Line 63).

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Claims 13 and 44 are rejected wherein as illustrated in Figure 4, the interactive application “displays a highlight on the display wherein the highlight surrounds one of the cells” [108] and “moves the highlight to the cell to which the user navigates” (Col 4, Line 62 – Col 5, Line 15).

Claims 18, 19, 49, and 50 are rejected wherein the system further “displays an overlay for the entity associated with the cell to which the user navigates” that further comprises “operator-specified promotional content” such as a preview (Col 9, Lines 26-39).

Claims 21 and 53 are rejected wherein the “entity is selected from a group consisting of a television channel . . . and any combination thereof” (Col 4, Lines 44-55).

Claims 22 and 54 are rejected wherein the “content other than the brand mark is selected from a group consisting of scaled video, the currently broadcast video of a television channel, a graphic text, a web page, and any combination thereof” (Col 5, Lines 23-36; Col 6, Line 21 – Col 9, Line 59).

Claims 23 and 55 are rejected wherein the “currently broadcast video of the television channel is the currently broadcast video of the television channel associated with the cell to which the user navigates” (Col 5, Lines 23-28)

Claims 24, 25, 56, and 57 are rejected wherein the system “performs an action” in conjunction with the “selection” of the cell wherein the “action is selected from a group consisting of displaying a television channel . . . displaying an overlay, and any combination thereof” (Col 4, Line 44 – Col 5, Line 36).

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Claims 27 and 61 are rejected wherein the “brand mark is selected from a group consisting of a brand mark for a television channel. . . and any combination thereof” (Col 4, Lines 56-61).

Claims 28, 29, 62 and 63 are rejected wherein the “action is selected from a group consisting of displaying a television channel . . . displaying an overlay, and any combination thereof” (Col 4, Line 44 – Col 5, Line 36) wherein the “overlay displays operator-specified promotional content” such as a preview (Col 9, Lines 26-39).

Claims 41, 42, 58, 59, 64, and 65 are rejected wherein the system is operable to “receive brand mark information form a remote source” that is “chosen from a group consisting of a television distribution facility, a main facility, and any combination thereof” [12] which is “stored” and “accessed . . . locally” (Col 4, Lines 27-33; Col 7, Lines 37-42)

8. Claims 9, 14, 15, 38, 45, 46, 58, 59, 64, and 65 are rejected under 35 U.S.C. 102(a) as being anticipated by Agasse (WO 00/05887).

In consideration of claims 9 and 38, the Agasse reference discloses a system and method for using an “interactive television application” or video program guide [80] that “allows a user to navigate among content displayed on a display” (Figures 4-7). As illustrated in Figure 4, the “display” [80] is “partitioned . . . into multiple cells” [81] which are “associated . . . with entities” and “grouped . . . into groups based on the cells’ associated entities” (Page 33, Lines 5-30). The user is subsequently “allowed . . . to navigate between the groups on the display” through a navigation arrow or “indicator that indicates the existence of at least one entity not associated with any of the cells” (Page 22, Line 18 – Page 23, Line 17).

Claims 14 and 45 are rejected wherein the Agasse reference discloses a system and method for using an “interactive television application” or video program guide [80] that “allows a user to navigate among content displayed on a display” (Figures 4-7). As illustrated in Figure 4, the “display” [80] is “partitioned . . . into multiple cells” [81] which are “associated . . . with entities” wherein the system “displays at least one brand mark in the cells” that is “related to the entity with which the particular cell is associated” (Page 28, Line 26 – Page 29, Line 9). The user is “allowed . . . to navigate among the cells”, and subsequent to navigating to a particular cell, the system “displays content other than the brand mark” (Page 22, Line 18 – Page 23, Line 17). Furthermore, as illustrated in Figure 4, the interactive application “displays a highlight on the display wherein the highlight surrounds one of the cells” [83] and “moves the highlight to the cell to which the user navigates” (Col 4, Line 62 – Col 5, Line 15). The “appearance of the highlight depends on the entity with which the cell the highlight surrounds is associated” (Page 31, Line 28 – Page 32, Line 24).

Claims 15 and 46 are rejected wherein the Agasse reference discloses a system and method for using an “interactive television application” or video program guide [80] that “allows a user to navigate among content displayed on a display” (Figures 4-7). As illustrated in Figure 4, the “display” [80] is “partitioned . . . into multiple cells” [81] which are “associated . . . with entities” wherein the system “displays at least one brand mark in the cells” that is “related to the entity with which the particular cell is associated” (Page 28, Line 26 – Page 29, Line 9). The user is “allowed . . . to navigate among the cells”, and subsequent to navigating to a particular cell, the system “displays content other than the brand mark” (Page 22, Line 18 – Page 23, Line 17). As aforementioned, the display further comprises a

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navigation arrow or “indicator that indicates the existence of at least one entity not associated with any of the cells” (Page 22, Line 18 – Page 23, Line 17).

In consideration of claims 41 and 42, the Agasse reference discloses a system for using an “interactive television application” or video program guide [80] that “allows a user to navigate among content displayed on a display” (Figures 4-7). As illustrated in Figure 4, the “display” [80] is “partitioned . . . into multiple cells” [81] which are “associated . . . with entities” and “grouped . . . into groups based on the cells’ associated entities” (Page 33, Lines 5-30). The user is subsequently “allowed . . . to navigate between the groups on the display” (Page 22, Line 18 – Page 23, Line 17). The system is further operable to “receive brand mark information form a remote source” that is “chosen from a group consisting of a television distribution facility, a main facility, and any combination thereof” which is “stored” and “accessed . . . locally” (Page 29, Lines 11-14).

Claims 58 and 59 are rejected wherein the Agasse reference discloses a system and method for using an “interactive television application” or video program guide [80] that “allows a user to navigate among content displayed on a display” (Figures 4-7). As illustrated in Figure 4, the “display” [80] is “partitioned . . . into multiple cells” [81] which are “associated . . . with entities” wherein the system “displays at least one brand mark in the cells” that is “related to the entity with which the particular cell is associated” (Page 28, Line 26 – Page 29, Line 9). The user is “allowed . . . to navigate among the cells”, and subsequent to navigating to a particular cell, the system “displays content other than the brand mark” (Page 22, Line 18 – Page 23, Line 17). The system is further operable to “receive brand mark information form a remote source” that is “chosen from a group consisting of a

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television distribution facility, a main facility, and any combination thereof' which is "stored" and "accessed . . . locally" (Page 29, Lines 11-14).

Claims 64 and 65 are rejected wherein the Agasse reference discloses a system and method for using an "interactive television application" or video program guide [80] that "allows a user to navigate among content displayed on a display" (Figures 4-7). As illustrated in Figure 4, the "display" [80] is "partitioned . . . into multiple cells" [81] which are "associated . . . with entities on a one-to-one basis" wherein the system "displays at least one brand mark in the cells" that is "related to the entity with which the particular cell is associated" (Page 28, Line 26 – Page 29, Line 9). The user is "allowed . . . to navigate among the cells" and subsequently "select a cell to which the user has navigated" and "perform an action" (Page 22, Line 18 – Page 23, Line 17; Page 29, Line 32 – 30, Line 8). The system is further operable to "receive brand mark information from a remote source" that is "chosen from a group consisting of a television distribution facility, a main facility, and any combination thereof" which is "stored" and "accessed . . . locally" (Page 29, Lines 11-14).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
11. Claim 2, 3, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US Pat No. 6,177,931)..

In consideration of claims 2, 3, 31, and 32, the Alexander et al. reference as illustrated in Figure 1, displays at least one group highlight wherein the group highlights surround at least one of the groups” in the form of a border that surrounds and separates different groups of entities. The reference, while displaying a “highlight on the display” [36] that is “allow[ed] . . . to move” or “navigation highlight wherein the navigation highlight is different in appearance from any of the group highlights”, does not particularly disclose nor preclude that the “highlight” or “navigation highlight surrounds one of the groups to indicate that the user has navigated to the group the navigation highlight surrounds”. It would have been an obvious matter of design choice to modify the “navigation highlight” so as to further “surround one of the groups to indicate that the user has navigated to the group that the navigation highlight surrounds”, since applicant has not disclosed that the particular further highlighting of a selected group solves any stated problem or is for any particular purpose and it appears that invention would perform equally well with any variation of visual

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indication as to the selected region/cell. Furthermore, the Alexander et al. reference suggests that the highlighting process may be accomplished in a number of ways (Col 3, Lines 37-40). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize a different highlight so as to highlight the border of the group in addition to the selected cell for the purpose of clearly indicating to the user both the region and the cell navigated to in an aesthetically pleasing manner.

12. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (WO 99/56466), in view of Matthews, III (US Pat No. 5,815,145).

In consideration of claim 52, the Knudson et al. reference as illustrated in Figure 3, illustrates an “interactive television application for allowing a user to navigate among content displayed on a display” wherein the “television equipment” [48] is configured to “partition a display into multiple cells”, to “associate the multiple cells of the display with entities” wherein the “entities” include a “program guide provider”, and “to allow a user to navigate among the cells” (Figures 3 and 12A/B; Page 16, Line 16 – Page 17, Line 18; Page 22, Line 12 – Page 23, Line 8). The Knudson et al. reference, does not explicitly disclose the “display[ing of] at least one brand mark in the cells . . . and display content other than the brand mark in a cell to which the user navigates”.

Figure 4 of the Mathews, III reference, illustrates program listings that are “partitioned . . . into multiple cells” which are “associated . . . with entities” wherein the system “displays at least one brand mark in the cells” [106] that is “related to the entity with which the particular cell is associated”. The user is “allowed . . . to navigate among the cells”, and subsequent to navigating to a particular cell, the system “displays content other than the brand mark” (Col



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4, Line 44 – Col 5, Line 36; Col 7, Lines 4-6). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the program listing region [70] of Knudson et al. to utilize that of Mathews, III for the purpose of advantageously taking advantage of the graphics-based nature of system so as to facilitate the user in selecting programming of interest (Mathews, III: Col 1, Line 51 – Col 2, Line 39).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Oosterhout et al. (WO 98/56176) reference discloses a program guide that utilizes a mosaic image with sub-images representing the available programs.
- The Shao et al. (US Pub No. 2002/0059593) reference discloses a system and method for utilizing both a navigation and a group highlight in order to assist navigation within cells. This reference does not currently qualify as prior art under 35 U.S.C. 102.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.


The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
August 4, 2004



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600